IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.73750-M of 2006
Date of Decision:- 29.1.2007

Amar Lal ....Petitioner(s)

through
Ms.Tanu Bedi, Advocate.

vs.

State of Haryana ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr.DAG, Haryana.

***

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

***

SURYA KANT, J.

The petitioner, who is a life convict, impugns the order dated 28.9.2006 passed by the Director General of Prisons, Haryana, denying him furlough on the ground that recently he had availed a parole.

There can be no denial to the fact that a prisoner's request for his release on furlough is to be reconsidered in the light of the criteria laid down in Section 4 read with Section 6 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 which provides that if a prisoner achieves the bench mark laid down in the Statute then only his request for release on furlough, as a reward to his good behaviour, can be considered. Prisoner's release on parole under Section 3 of the Act on the grounds including a “sufficient cause”, would obviously have no bearing while considering his case for furlough under Section 4 read with Section 6 of the Act.

Consequently, the impugned order dated 28.9.2006 cannot be sustained and is accordingly quashed. The Director General of Prisons, Haryana is directed to reconsider the petitioner's case to release him on

furlough strictly in terms of Section 4 read with Section 6 of the Act and pass an appropriate order within a period of two months from the date of receipt of certified copy of this order.

Disposed of.

January 29, 2007 **(SURYA KANT)**
poonam **JUDGE**